

Civilian Sanctuary and Target Avoidance Policy in Thermonuclear War

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ABSTRACT: Examining traditional concepts of civilian warfare, the author finds that civilians have not normally been considered appropriate targets of violence and that civilian productivity and home-front morale are largely irrelevant in conditions of thermonuclear war, in which only forces in being are likely to be used and command and control are separate from the population at large. Under the circumstances, there are thus important moral and practical reasons for adopting "open cities" and sanctuary policies to spare civilians and reduce over-all deaths. Three cases are examined in detail: open cities and sanctuary policies to be enunciated now and at the time of a hypothetical war with the USSR; with respect to the Soviet Union's presumably reluctant Warsaw Pact allies; and finally in the event of a future war, again hypothetical, with mainland China.

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OUR effort is to re-examine the role of "open city" and other sanctuary doctrines in conditions of modern thermonuclear war. Our purpose is not simply humanitarian (though such considerations can hardly be slighted), but pragmatic as well, with the intention of seeking ways of improving the concrete political and military outcome of nuclear war. This is a highly controversial undertaking. General opinion tends to hold that any effort to devise means of rationalizing nuclear war (even if thereby rendering it more sparing of human life) is in itself highly inhumane. We reject this argument even though we would acknowledge that the possibility of making nuclear war more "usable" by a widespread application of a sanctuaries doctrine is limited, and could, in special circumstances, be harmful.

It was the habit of the Kennedy-Johnson Administrations to stress deterrence and "assured destruction" (defined as destruction of one fifth to one quarter of the enemy's population and one half to two thirds of his industry). The Nixon Administration has, so far as it has spoken on such matters at all, reverted, it would seem, to a doctrine of massive retaliation. But there is no necessary reason why the population component of such a formula might not be reduced—perhaps alone, perhaps in favor of an increase in material destruction, including destruction of such highly prized assets as military forces or internal means of societal control or, even better, in favor of an ability to win or at least stalemate a war. In any case, to use the banal phrase, not all situations in future nuclear wars are likely to prove zero-sum games. In particular, to spare the enemy population may leave prewar deterrence and intra-war bargaining essentially intact while at the same time mitigating the risk of such a loss of life to the Amer-

ican and allied populations whom it is the business of the government to protect.

LIMITING CIVILIAN DEATHS

Early Efforts: In Conventional War

Article 25 of the Hague Regulations of 1907 limiting the conduct of land warfare incorporated the classical concept of "open cities" into the body of international law. The convention expressly forbade "the attack or bombardment by any means whatever, of towns, villages, habitations, or buildings which are not defended, even though situated within the combat area."

Basic to the prohibition was the attempt to mitigate the consequences of war to civilians by regularizing and making more specific the previously formulated distinction between combatants and noncombatants—between those who directly engaged in or contributed to the enemy war effort and those who did not. The conventions of war in the Western world have traditionally condemned the murder, enslavement, or torture of conquered and therefore helpless enemy populations, though such acts have regrettably been common enough in history. The Hague Regulations applied the general prohibition to a specific situation. Under its terms, the open-city doctrine was held to mean that an undefended city, open to occupation by enemy forces, was to be taken and held without harm to the inhabitants if they did not resist. Humanity was, however, subordinated to military expediency, for if the civilian population were to resist the invader, the sanction against the use of force would be nullified.

The Hague Regulations required revision in World War I, however. Because naval and air forces cannot generally occupy the area they attack, their chief significance is to deny the use of

the resources of these areas to the enemy. Destruction replaces occupation as the objective of attack. Recognition of this fact led to an extension of the open-cities concept from that of peaceful occupation to an acceptance of the notion of bombing of cities, provided the destruction was limited to purely "military objectives."

The logic of this position was evidenced by the few examples of open-cities declarations during World War II. Thus, in June 1940, as the German forces approached the outskirts of the city, the military government of Paris declared it an open city. The Germans entered unopposed on the following day. This was a classical case of the application of the Hague Rules of Land Warfare, but a later Yugoslav attempt to declare Belgrade, Zagreb, and Ljubljana open cities during the German attack on the Balkans in 1941 was not respected, perhaps because of still continuing Yugoslav military resistance elsewhere and the Germans' actual inability to occupy the cities themselves. Similarly, though the military forces defending Manila were withdrawn by General MacArthur in December 1941, the appeal to respect the American-Philippine military line around Manila appears to have compromised the declaration, since the Japanese could not occupy the city itself. Again in 1943, the Allies rejected an Italian request that Rome be declared an open city, since the presence of German forces there prevented a guarantee of unopposed occupation.

In each case in World War II, then, the acceptance of an open-cities declaration seems to have depended on the ability of the enemy forces to enter the city unopposed.

Post-1945: In Nuclear War

The erosion of the open-cities doctrine was, of course, only a minor corol-

lary to the gradual blurring of distinctions between legitimate military force and error, and between combatants and noncombatants, which accompanied the rise of modern total war. With the Second World War the concept of "total war" came to encompass the civilian population as well as strictly military forces, when for the first time in three hundred years civilians suffered casualties commensurate with those of the services.

The postwar adoption by the United States and the Soviet Union of a deterrence policy based on nuclear threats against the opposing population effectively completed the erosion of restraints begun in the First World War. The difficulty in both World Wars of distinguishing combatant from noncombatant, as in the case of classifying the industrial work force, and the post-World War II destructive power of the thermonuclear weapons—considered to be so immense as to preclude discrimination in an urban attack—were not the only factors influencing development of this strategy. One may suspect that one reason why the threat of civilian destruction became a major, and perhaps the dominant, component of military policy was the sheer absence of any credible rationale or other persuasive theory or theories.

In the late 1950's, growing Soviet retaliatory power, coupled with the development of more sophisticated United States weapon systems, seemed to increase both the perceived irrationality and the immorality of indiscriminate U.S. nuclear attacks on the Soviet homeland, if they were launched because of any issue that fell short of indiscriminate Soviet attacks on the United States or its allies. These new factors had for some time been recognized in the strategic community. With the change of Administration in 1960, they received official recognition at the

Department of Defense level, though whether they are so recognized today is problematical.

Counterforce, however, fell short of creating a solution to the dilemma. The Soviets—who certainly could not accept the doctrine publicly, because of their strategic inferiority, and who had to consider also the contingency of the failure of their own deterrence—pointed out, with some reason, that collocation of civilian population centers and military installations in the United States compromised the city-avoidance aspect of the doctrine.¹ Thus, the Soviets at least publicly rejected the doctrine, making less credible the possibility of civilian-sparing nuclear wars, for the present at least. Furthermore, their

1. On the other hand, such collocation did not and does not compromise the doctrine utterly. A number of calculations have indicated that casualties may vary by a factor of 10-50, according to how "carelessly" a war-fighting campaign is conducted. That is to say, the minimum number of deaths from a major counterforce campaign seems to be more of the order of a million civilians than the 10-100 million usually associated with large nuclear wars. While it is still true that such wars will be extraordinarily destructive according to the usual standards of the past, in part because even the best conducted campaign is likely to suffer from gross errors in execution, it does not follow that the basic notion of a clean counterforce campaign is invalidated thereby. Furthermore, if a war were to start, not "out of the blue," but following a period of rising tension, most civilians could have been evacuated from the area of major military targets. In this case, the war might be cleaner in fact than even enthusiasts for counterforce argue—if the civilians were evacuated to reasonable fallout shelters. In such case, even misfires would be unlikely to cause cataclysmic damage as compared with the usual expectations.

As for the Soviet side, it should be noted that no matter what Soviet declaratory policy prior to the outbreak of hostilities may be, if actual self-restraint dictates that the USSR follow rules during prewar and intra-war bargaining and if this self-interest is made overwhelmingly clear, probably the Soviet leaders will follow these rules.

hardening of missile sites and general increase in forces further compromised the feasibility of offensive, damage-limiting tactics by the United States.

Perhaps a more influential factor motivating the former Kennedy-Johnson Administrations' tacit retreat from the theory of counterforce, apart from the obvious technical difficulties of implementing the policy, was the almost visceral assumption that naked nuclear threat is the most effective means (despite apparent irrationality) of maintaining deterrence.

In any case, whatever the reason, in recent years counterforce theory has faded as a strategic doctrine though it has never officially been abandoned.

One is left with the impression that, while counterforce remains official doctrine, it is a doctrine which the United States does not hold very firmly. Administration attitudes toward air and ballistic missile defense against the Soviets also tend to confirm this impression.

It would appear that the United States as well as the USSR has a continuing "quasi-interest" in, or habit of, presenting nuclear war in the darkest possible terms; and, in effect, both powers advocate "deterrence only" as an acceptable posture. In this, however, it would appear that the Soviet Union does not go so far as the United States.

In any event, present strategic postures and doctrines of both the United States and the Soviet Union render difficult any explicit public efforts to strengthen legal and moral limitations on nuclear war—and, very probably, any private efforts as well.

Nevertheless, despite a general recognition of this situation, there has been a simultaneous attempt by strategists and some humanitarian groups to devise more refined nuclear policies and to re-

establish some of the older principles of the laws of war—and perhaps, more important, to devise practical and workable restraints.²

Red Cross "Rules"

Perhaps the most serious recent international attempt is embodied in the set of "rules" published in 1956 by the International Committee of the Red Cross. Unfortunately, these rules do not wholly resolve the dilemma implicit in condemning attacks on civilians on the one hand and permitting large-scale attacks on military objectives on the other. Article 6 concludes that "should members of the civilian population, Article 11 notwithstanding, be within or in close proximity to a military objective, they must accept the risks resulting from an attack directed against that objective." In short, by World War I and II definitions of "military objectives," countervalue attacks against industrial centers, including the industrial work force, are declared legal virtually without regard to the extent of collateral damage. If, however, industrial centers useful only in a long war are removed from the classification of military objectives, then the targeting distinction is not rendered valueless. An effort to avoid such civilian population centers might reduce the deaths from the order of 10–100 million to 1–20

2. One rather paradoxical influence on the debate is that those who are often most vehement in their denunciation of studies of nuclear war are also enthusiasts for what may be termed "deterrence only." They resist in most intense and determined fashion any attempt to mitigate the effects on life and property of nuclear war through active or passive defense, as well as any attempt at intra-war deterrence or other intra-war restraint, including restraints based on long-held religious doctrine or customs of war. Their aim is to maximize the element of terror in order to enhance—so they believe—the stability of peace based on deterrence.

million. This would be no mean achievement.

Much the same judgment may be made of Articles 8 and 16 of the document, providing for warning before attack and for "open towns." Warning to allow time for the civilian population to move to shelter is provided for in Article 8 "whenever the circumstances allow," but this question apparently is left to the discretion of the attacker. Article 16 revives the classical concept of "open towns," applying in effect the rules of land warfare, but making no serious attempt to modify the doctrine in the context of nuclear attack. Once again, a greater understanding of modern war might have made possible some fruitful distinctions and concepts.

CIVILIAN SANCTUARIES

Julius Stone, squarely addressing this problem, has concluded that the impotence of such attempts

to declare civilian morale inviolate from direct attack arises from refusal to accept consistently the distinction between the quasi-combatant work force and genuine civilians. Once this is accepted, the hard fact that belligerents do regard the morale of the enemy's quasi-combatant work force as a military objective can be faced, while yet guarding the physical and psychological immunity of other civilians. Energies can then be released for the practical tasks of devising by international action the necessary safeguards for the residual immunity, with some hope of belligerent respect. . . . One of these, ripe for early action, might be the provision under neutral or international surveillance of sanctuary areas in which genuine civilians can stay in safety.

In essence, such sanctuaries would combine the provision of warning and movement to shelter of Article 8 with a modernization of the classical "open towns" concept of Article 16. Unlike the case postulated by counterforce doc-

trine, such sanctuaries, whether self-imposed as part of policy or accepted as law, would constitute a specific obligation rather than a purely private restraint. Deliberately bombing an area designated as a place of sanctuary would evoke much greater opprobrium than hitting industrial centers as well as purely military targets, where the issue of collocation has clouded the definition of the restraint. For one thing, breaking of this obligation could be readily detected. The advantages of this characteristic were demonstrated in World War II, when the specific prohibition on the use of gas warfare was respected while the regulation limiting bombing attacks to military objectives was gradually eroded through misunderstanding and mutual escalation.

One trouble with such efforts to revive traditional restraints on the killing of civilians is that more often than not they proceed from a rather sketchy knowledge of the facts of modern war and weapons. They do not note, for example, that the morale of the civilian work force is likely to prove irrelevant to the outcome of a Soviet-American strategic exchange, and thus make easier civilian-sparing policies.³ Or they prescribe civilian sanctuary areas subject to neutral inspection, despite the obvious

3. It is not impossible to conceive of a major strategic exchange that excludes, as primary targets, the nuclear and missile-building installations on both sides, since even matériel already in the "pipeline" but not deployed is unlikely to be used in a short war. In this case, the work force itself is not an important wartime target. If, despite the lack of necessity to strike such targets, they are in fact struck, the work force directly feeding the strategic capabilities of the combatants would be deprived of the facilities for continuing work. The irrelevancy of civilian production morale thus increases the possibility of sparing non-military personnel. The analogy of the conditions of World War II, when civilian work forces under conventional attack continued to function, is not possible to sustain.

difficulties in a modern war, fought with thermonuclear weapons, for civilian neutrals to enter combatant areas and supervise them effectively. Nor would a modern thermonuclear war, even a "long" war of 5-30 days, probably permit time for bargaining on details once hostilities had broken out.

Nevertheless, because the civilian sanctuary proposal represents an attempt to come to grips directly with the problem of adapting both tactics and international laws of war to nuclear war, adoption of the concept as policy or law seems to merit serious consideration by any government attempting to face these issues. It is the purpose of this essay to discuss some of the strategic implications of a U.S. or Soviet adoption of civilian sanctuaries as an expedient or moral policy or mutually endorsed convention.

Definition of a Civilian Sanctuary

A civilian sanctuary might be defined in several ways. First, and most obvious, it could be a specific geographic entity, precisely identifiable, to be proclaimed by the attacker as free from deliberate threat of attack with nuclear (or conventional) weapons for the duration of hostilities, if certain restraints were observed by the enemy.

The area could be either an urban or a rural area, but provision might have to be made for billeting and feeding of the evacuated population. Cities would, therefore, probably be preferable to rural areas, especially if the proposal were made within a matter of a few days of the projected attack. Facilities for improved or permanent fallout shelter would also be considered in choosing the sanctuary area, if, as is likely, the freedom of the area from fallout could not be absolutely guaranteed.

There could be guarantee of adequate strategic warning as an integral provi-

sion of the proposal. The writer's colleagues have asserted that studies of evacuation possibilities in the Soviet Union, East and West Europe, China, and the United States have indicated virtually the entire population of even the largest and least accessible cities could—if preparations had been made—be evacuated ten to fifty miles away within 24 to 48 hours. Probably nearly everyone could be evacuated well beyond the immediate danger zones of a city attack in about three days.

A second version of sanctuary might be the specific enumeration of proposed target areas, together with accompanying guarantee of all other areas as free from deliberate threat of attack—at least so long as they are not used to harbor strategic forces. Provisions for the evacuated population would be less important here, because the sanctuary area would be much larger. It is obvious that the question of the acceptance of any form of the civilian sanctuary proposal would be determined by political and military exigencies. The timing of the proposal would be of the utmost importance. Civilian sanctuaries might be proposed in peacetime either as law by an international convention, endorsed by the nuclear powers, or as a policy unilaterally or jointly declared by the major powers without on-the-spot inspection. Alternatively, the policy could be proposed during a crisis period by either or both belligerents or by a disinterested third party. Within these rough frameworks numerous variations can be imagined.

We should also realize that there would presumably have to be some kinds of implicit or explicit limits to the policy. That is, it would have to be understood that if one side achieved an absolutely decisive nuclear superiority, the other side would then acquiesce in reasonable demands without forcing the first side to try to convert its nuclear

superiority into an "occupation" force. There would have to be some such understanding so that an opponent could not still expect, after having had his nuclear military forces defeated, to resist the demands of his opponents, because his civilians and perhaps even much of their property remained in sanctuary. If there were such resistance, then one possibility for the winning power in a counterforce war would be to force the evacuation of the other side's various cities and then threaten the destruction of property until its demands were met. At the ultimate, it presumably would not be reasonable to force the winning power into an occupation as the only "legal" alternative to destroying civilians.

We shall limit ourselves here to an examination of the general policy considerations facing the two major nuclear powers, the United States and the USSR, in considering the proposal alternatively as a peacetime or as a war-time policy.

ACCEPTANCE OF CIVILIAN SANCTUARIES IN PEACETIME

We have already noted that any proposal tending to weaken deterrence policy has little prospect of public acceptance by either of the two major nuclear powers—at least, in the current strategic and political environment.

It would appear, moreover, granting the probability of a Soviet rejection of such a policy, that the alternative course—a unilateral U.S. declaration made in peacetime—might be subject to criticism on military as well as political grounds. To some, the policy might seem to offer the Soviets a virtual guarantee of strategic warning for a nuclear attack which would lead to Soviet countermeasures. In most cases it would offer a warning on attacks directed only against cities, not weapon systems. It could thus provide time for emergency

civilian evacuation, or other protection for such civilians. Such an announcement might also stimulate emphasis on mobility or other measures to reduce vulnerability of the Soviet force. If the Soviets adopted such policies, U.S. counterforce targeting plans might be impaired, thereby decreasing U.S. and strengthening Soviet deterrence.

In any case, discussion of nuclear-targeting policy might be considered hostile or aggressive in an atmosphere of U.S.-Soviet détente. A public announcement by the U.S. Secretary of Defense, for example, proclaiming that the United States could now destroy the military forces and other militarily useful installations and centers of the Soviet Union without killing large numbers of innocent civilians, would very probably seem grotesque in an atmosphere in which war between these countries seemed remote.

None of the above is necessarily an overwhelming objection. We, too, could carry through the same kinds of measures we have suggested for the Soviets and, since such measures would support our policies, there would be motivation for doing so—in fact, more motivation for us than for the Soviets, since it would be we who would believe in these concepts. And it should be easy, if desired, to propose what would in fact constitute an objective change in policy as simply a re-emphasis of old policies, therefore bearing no special foreign-policy implications.

Or, we might consider applying the policy to Eastern Europe alone. This would be consistent with the "hostage nation" theory which has determined U.S. policy throughout the period of Communist domination.

These considerations would have less significance, of course, in the case of a general endorsement by all the nuclear powers of an international law requiring civilian sanctuaries in case of nuclear

war, especially if the law had been proposed by a neutral party. A friendly United States and Soviet Union might actually have a mutual interest in such damage-limiting proposals in a world of nuclear proliferation. This alternative would also be limited, however, by the reaction of the lesser nuclear powers, who might be much less amenable to explicit limits on targeting—especially since they would probably be technically incapable of operating within them without suffering a serious loss in their threat capabilities.

In sum, the possibility of explicit adoption of civilian sanctuaries as policy by a public consensus of major powers in the present political-strategic environment, and even under conditions of continuing détente, is remote. However, this need not prevent the kind of unilateral policy that the United States has adopted in the past—and this time the U.S. can probably make such a policy announcement both more effective "pedagogically" and in motivating its own preparations. In any case, whatever the declaratory policies, such civilian sanctuaries are very likely to be used in initial thermonuclear war tactics.

CIVILIAN SANCTUARIES AND WAR (FIGHTING)

Under conditions of intense crisis or war, the emphasis of deterrence policy would be expected to change. Naked threats of massive retaliation and societal destruction would become much less credible in the face of the seemingly inevitable retaliatory strike, and enhancing deterrence through increased credibility would take on new meaning. There might also be pressures within the United States, such as those stimulated by the war in Vietnam today, to attempt a unilateral limitation of damage purely on moral grounds, at least with respect to possible neutral or guiltless satellite populations. As the sensitive postwar

British reaction to the terror of bombing attacks on Germany in World War II indicated, the possible effects of indiscriminate American use of nuclear weapons on U.S. morale in the postwar phase would also have to be considered, even in the absence of strong pressures at the time.

In this context, the declaration of a civilian sanctuary policy would be less inhibited by the caveats of peacetime. However, immediate strategic calculations would now become very important. The time allowed for warning might conceivably increase the possibilities of enemy pre-emption and the relocation and evacuation of his military forces.

The policy might also be used by both parties to disrupt military operations in the war zone, by putting large refugee populations in motion and so clogging roads and rail lines. (It is not clear whether some or all of the above would be increased or decreased if either side issued ultimatums, coupled with the contingency of promoting or discouraging such behavior.) The interplay of morale and military factors would also be complex.

We will here examine some of the possible implications of the policy as applied to Eastern Europe, the Soviet Union, and China, through a range of basic scenarios. These are by no means intended to illuminate all of the possibilities; rather, it is hoped that they will shed some light on the major characteristics of the policy and on the variety of its uses. The scenarios themselves will be very cursory; the purpose is only to illuminate a few possibilities for the use of sanctuaries, not to aid the initiation or fighting of a nuclear war.

SCENARIOS ON THE USE OF SANCTUARIES

1. *Civilian Sanctuaries in Eastern Europe*

Let us for the moment suppose a victory by neo-Stalinist forces in the USSR,

leading to a reversal of the current détente.

In the United States, public figures deplore the rebirth of Stalinist European policy and growing Soviet involvement in Vietnam. In East Europe, the satellite governments are subjected to tighter discipline; even Rumania's independence begins to show signs of weakening. Trade discussions with the United States are cut off. Visas to the area become more difficult to obtain. A meeting of the Warsaw Pact nations reaffirms the unity of Socialist nations.

Dark hints appear in the U.S. press that the Soviets have secretly threatened to use force to effect East European compliance.

A mild official U.S. warning is sent through the American Embassy in Moscow that the United States is not entirely indifferent to Soviet activities in Eastern Europe. This is accompanied by harder statements by some of the military and several Congressmen that the United States ought actively to resist Soviet "aggression" in East Europe.

A high Polish government defector is reported to have confirmed the existence of a Soviet military threat, and discontent and frustration within the satellites.

The Soviets have concluded, despite the sporadic reports of discontent among the urban intellectual segment of the satellite population, that their control over Eastern Europe has been effectively reasserted. With the United States involved in the Vietnamese war, they see an opportunity to regain prestige lost to China over the Vietnam situation by dusting off the German question.

Allied rights in Berlin are again infringed on and the United States responds by reinforcing its dwindling forces in West Germany and sending a large detachment to Berlin. As the Soviets increase harassment and NATO refuses to back down, tension increases.

Hostilities ensue with the confrontation of U.S. and Soviet forces on the Berlin corridor. The situation rapidly escalates and rebellion breaks out in Poland and East Germany. The Soviets are now harassed in the rear and fall back. Western forces advance into East Germany. In desperation the Soviets decide to use tactical nuclear weapons on the NATO forces. The strike is successful, destroying a large segment of the Allied forces and halting the offensive. Some collateral damage occurs.

The Choices for NATO

NATO now has several choices. It could collapse, or settle for the status quo, perhaps after conducting a talionic retaliation against the Soviets. Something like this would indeed seem rather probable. Another possibility would simply be a large, perhaps all-out attack against the Soviet bloc. This certainly cannot be ruled out, given the circumstances, but we are assuming that this scenario takes place at some point in the early 1970's, when there is an effective balance of terror, and that such an attack would not succeed in conclusively disarming the Soviets. Or, the United States could make a very large attack against Eastern Europe and possibly the western parts of the Soviet Union in order to downgrade Soviet military capability and logistics. The major point of such an attack would presumably be an attempt to get into a position to win a limited nuclear war. The maximum objective of this war would, again presumably, be the freeing of Eastern Europe from Soviet domination rather than the total defeat of the Soviet regime in its own country. If conducted carelessly, such an attack could do so much damage to Eastern Europe that, insofar as the welfare of Eastern Europe was one important objective of the campaign, it might easily be self-defeating. Such a campaign, or

even a carefully conducted attack, that looked careless could turn Eastern Europe against NATO.

We have noted that the desire to spare the East European civilian population any unnecessary suffering is consistent with declared U.S. morality and with U.S. policy toward the area ever since the onset of Soviet domination in 1945-48. Such care would be especially appropriate in the circumstances described, because the population of Eastern Europe would have just displayed its basically anti-Soviet character.

Another possibility might be an ultimatum to the Soviets and to the governments in East Europe in an attempt to get the Soviets to back down, while at the same time trying to get the East European people and governments to revolt against the Soviet Union, or be neutral (and, if the governments refused to do so, to get the people to revolt against the governments). One can imagine that this ultimatum would point out that the Soviets had committed the first nuclear aggression and therefore had lost the right to any special consideration by the United States and NATO. On the other hand, the note could promise each Eastern European country complete or relative freedom from any threat of nuclear attack if at the minimum they did not actively cooperate with the Soviets, or if, at the maximum, they threw the Soviets out. (It probably would not be wise to require any impractical behavior by the Eastern Europeans and their governments, but one can imagine attempts to put real pressures on both.)

Various areas could be specified in Eastern Europe that would serve as conditional sanctuaries if it proved necessary for the United States or NATO to bomb selected military targets there. One can imagine NATO and the United States allowing several days for the

message to sink in on the Soviets and governments of Eastern Europe, meanwhile using all other levers possible to encourage revolts or coups or otherwise to influence the regimes.

Under many circumstances, the pressure on the people and governments of Eastern Europe to be neutral or even anti-Soviet might indeed be very high; and further hope of immediate or eventual political independence might help to touch off some of the kinds of actions desired.

If such ultimatums were to be issued, some military disadvantages might be incurred by the delay involved; there would also be risk of a second Soviet strike against the United States and/or NATO. Under some circumstances, such a second strike might be deterred by the threat of a really massive reaction by NATO or the United States—the ultimatums perhaps spelling out this point. After all, in the moral and political sense the United States and NATO would be the defending powers, and presumably would not hesitate a second time to retaliate.

It is, of course, also possible that the delay would wreak greater psychological havoc in the Western bloc than in the Eastern, there being perhaps greater fear of nuclear war in the West and greater opportunities for people and governments to pressure the Allied Command.

None of these issues can be settled in the abstract. Much would depend on the details, and even then various analysts will disagree about the evaluation of these details.

A Final Alternative

A final alternative would be to react as rapidly as possible with a retaliatory strike in order to decrease some of the risks mentioned, but to send an ultimatum with, or immediately after, the

strike, noting that the strike had been conducted so as to minimize collateral damage in Eastern Europe (and perhaps also in western Russia), and that the policy of the United States and NATO would be to continue minimizing such collateral damage so long as the military situation allowed it and so long as the behavior of the East European governments and/or their peoples justified such abstinence. The strike itself, the ultimatum, and the policy following the strike could be designed so as to weaken control of the more hostile governments and to encourage revolts, coups, or other political events. In almost all cases, it can be argued that any strike carried through at that point would be much more likely to be productive—both at the time and in the long run—if it were designed with care to limit damage than if it were relatively indiscriminate and caused extensive damage all over Eastern Europe, particularly if this damage were seemingly unnecessary for the minimum military objectives.

In assessing the utility of the sanctuaries doctrine in Eastern Europe, it should also be noted that the incident provoking the initial escalation was a Soviet action taken under the mistaken assumption of an obedient satellite zone. This miscalculation may be necessary to generate a scenario which envisions an Eastern Europe influenced in war to oppose or avoid coöperation with the Soviet Union. We can probably assume that the Soviets would be unlikely to become involved in a European war without a reasonable guarantee of strengthened control and centralized authority in the area. And if the Soviets were dictating East European policy, acceptance of U.S. conditions would be uncertain, if not impossible. These factors might leave the internal U.S. and NATO moral and political issues as the major arguments for the

sanctuary policies, arguments perhaps not strong enough to offset the military disadvantages incurred. Of course, historically, countries have been influenced by a belligerent power to refrain from joining hostilities, even when their basic sympathies lay with the other side. During World War II, for example, a war-weary Spain was encouraged not to join the Axis—not merely by threats but by Allied attempts to demonstrate an intention to spare that country as much as allowed by the contingencies of war.

A second factor favoring the successful application of a sanctuary policy in this scenario was the Soviet first use of nuclear weapons. Under conditions of U.S. first strike, the resentment generated against the United States by the detonation of a nuclear weapon might negate the advantages to be won by the humane aspects of a subsequent sanctuary policy (or, alternatively, make it more necessary). Under some circumstances, a U.S. first use might actually encourage closer cooperation with the Soviets—whether or not a sanctuary or other avoidance policy was used. This factor would appear to be another indeterminate variable in weighing the value of a declaration of sanctuary for Eastern Europe.

In conclusion, it must be admitted that the issue of possible East European neutrality is subject to many uncertainties, while the moral issue may be offset by military considerations.

2. *Civilian Sanctuaries in the USSR*

Let us consider another scenario. The Soviets, together with loyal Czechoslovak security forces, quickly and effectively repress an uprising in Prague, Brno, Pilsen, and the surrounding countryside. Refugees pour into Western Europe as NATO forces are deployed along the frontiers. Border incidents ensue, and Communist border guards

shoot and kill some refugees. These incidents develop into skirmishes and, eventually, to small battles. United States forces in Europe are sent to reinforce European NATO divisions. Soviet and other Pact troops outnumber NATO's and begin to push into Western Europe.

At this point, the United States and NATO declare that in order to avoid "massive defeat" they intend to escalate to tactical nuclear war, including attacks on tactical military and logistic targets in the western Soviet Union; simultaneously, Washington offers a civilian sanctuary policy with three days for population movement in Eastern Europe and the western Soviet Union (and incidentally to allow for counter-offers and other bargaining without looking weak). The message points out the culpability of the Soviet Union and innocence of the East Europeans in the conflict and its own intention to maintain, if possible, restraint in targeting. The East Europeans are offered favorable terms in a peace settlement if they declare neutrality.

The Soviets reply that the cause of the conflict is Western intervention in an area understood to be well within the "Socialist" sphere. West German participation in the hostilities is emphasized and the overwhelming power of the Soviet Union is pointed to as a guarantee of Eastern Europe against the threat of renewed West German aggressiveness. Moscow further points out that the almost total evacuation of Soviet cities (gradually carried out as the war intensified) makes the U.S. declaration an empty gesture serving only to underline imperialist hypocrisy. A *Pravda* editorial meanwhile notes that declarations of neutrality are equivalent to joining or encouraging the imperialist aggression. In a third declaration the Soviet Union threatens to attack West European cities if the

United States carries out its threat against the USSR.

The United States replies that any strike on Western Europe will be met by a major counterforce attack and—perhaps in order to increase the credibility of its threat—extends its sanctuary policy to all of the Soviet Union, by designating open cities and other approved sanctuary areas. It also demands a similar sanctuary declaration by the USSR concerning U.S. cities. As the time limit dwindles, the Soviets send a message to the United States accepting the sanctuary notion for the United States but stating that many millions of civilians still remain in the target zones and asking for an extension of the time period. The United States refuses and makes a very careful tactical nuclear strike against the selected Soviet targets (a very selective counterforce attack), stating that the Soviets were using the period to relocate their military forces and that the need to protect the forces in Europe or its own population from pre-emptive attack made any further delay unacceptable.

One "logical" possibility for the Soviets would be to stop their advance in Europe and offer to negotiate on the basis of the current status quo, perhaps after making a talionic response of some sort. The United States, pressured by the fears of its own population and decision-makers as well as a terrified Britain and France, would doubtless agree but probably attempt to assert the position that it will negotiate only on terms of the status quo ante bellum. Involved bargaining could then ensue—perhaps punctuated by renewed threats. Or, the Soviets could escalate or merely continue the war. In all these cases, it would seem likely that the NATO sanctuary policy might have useful results. However, the most useful result of all might have come in the increased credibility given the original ultimatum.

Evaluating the Scenario

In evaluating the relevant points raised by this scenario, we will concentrate on the U.S.-Soviet interchange, as the issues relating to Eastern Europe have already been discussed. While the moral issue and desire to demonstrate humanity and restraint, as in the Eastern European case, would still be important factors, the main consideration in offering sanctuary to the Soviet population would probably be the hope of achieving a reciprocal damage-limiting policy. That the Soviets would react positively to such an offer in the face of actual hostilities despite their rejection of the notion in peacetime is certainly possible. While the Soviets could respond to the sanctuary offer-warning with a pre-emptive strike in the time allotted—their forces could be assumed to be in a state of readiness at this level of escalation—the option would probably be discarded in the face of certain U.S. reprisal. They might, of course, reply by escalating the threat (e.g., four of our cities for two of theirs) without enumerating the cities. While this would allow time for U.S. evacuation, the effect of having a threat applied to every U.S. city or military installation would undoubtedly cause mass evacuation from those areas, with great disruption to transportation, communication, and industrial facilities and an attendant impairment of U.S. morale.

The relative effects of these factors are not, however, unique to a threat accompanied by a civilian sanctuary declaration; they would apply equally to any evacuation warning before limited strategic attack.

A second factor raised by this scenario is the possibility that both Soviet and U.S. cities would have already been emptied of all but essential personnel during the course of hostilities. In this case, a sanctuary declaration might be

meaningless by the time nuclear weapons were actually used. On the other hand, the tendency of such a declaration to escalate the crisis and increase the possibilities of pre-emption might inhibit its use at stages of escalation below the nuclear threshold. We can probably assume that such a declaration is most likely at or above this level. At this point, however, even if the Soviets had not evacuated during the crisis, the United States could not seriously threaten Soviet cities or collocated military targets without recognizing the possibility of immediate or eventual Soviet reprisal against U.S. civilians, and taking protective measures. These preparations would be known to the Soviets, who would probably respond by evacuating before the sanctuary policy was announced. With both sides evacuated, the advantages of declaring a civilian sanctuary policy would be somewhat vitiated.

We may conclude that one major utility of a U.S. sanctuary declaration before mounting a first strike is that it provides a more specific guarantee of safety for the enemy population and strongly motivates the enemy to reciprocate. With some assurance of comparative safety for the U.S. civilian population, a U.S. first strike becomes a more feasible policy—as does the threat of re-escalation during intra-war bargaining. While some measure of reciprocal damage limitation could probably be achieved by evacuation warning alone, the safety of the two populations is considerably enhanced, particularly in such times of year when, without adequate reception, mere evacuation might expose the civilians to considerable hardship.

3. Civilian Sanctuaries in the U.S.S.R. After a Soviet First Strike

This is a re-enactment of the previous scenario, but we assume here, perhaps

implausibly, that a Soviet strike is mounted against one or more U.S. or European cities instead of a tactical strike in Europe.⁴ The United States feels it must retaliate in kind but, hoping not to escalate the war further, notes that the Soviets have avoided large-scale civilian war and declares the unhurt U.S. and European cities as civilian sanctuaries while making a reciprocal offer and giving evacuation warning for the Soviets for the cities it intends to hit in reprisal.

Under circumstances of a Soviet first strike, much of the moral and political burden would be on the Soviets, and military considerations might carry more weight than in Scenarios 1 and 2. In the context of U.S. outrage, anger, and grief, immediate retaliation against remaining Soviet forces—even though the policy threatens further damage to the United States—might seem to be a reasonable response. If the Soviets had launched a large salvo, a perceived need to equalize post-attack industrial and conventional capabilities might again dictate immediate countervalue as well as counterforce attack. However, the explicit declaration of sanctuaries in the manner described does create some additional rational cause for preventing further escalation and city-trading.

4. A more intelligent Soviet strategy would be to hit selected military targets in the United States, avoiding U.S. population centers. In this case, considerable damage could be done to U.S. strategic systems while avoiding offering the extreme provocation of population attacks. Were the U.S. government to consider replying by strikes on Soviet cities, the Soviet leaders could guard against this option by threatening tit-for-tat destruction of U.S. population centers.

On balance, however, such a strategy seems "un-Soviet"—that is to say, out of keeping with the past Soviet military style. And while a scenario contemplating a Soviet attack on U.S. cities is admittedly not much more plausible, it is included in this paper since it expresses a widespread fear

4. *Nuclear War in China: An Illustrative Scenario*

Unable to solve its dilemmas in South Vietnam and Cambodia, the United States invades North Vietnam with an amphibious force of four to five divisions. The intention is to seize the Hanoi-Haiphong area, driving the North Vietnamese government from its capital and thereby destroying its prestige as a legitimate government in the North and as the sponsor of a "winning" insurrection in the South. The invasion succeeds beyond expectations and the authority of the North Vietnamese government begins to disintegrate. The Communist Chinese, led by a militant faction, intervene. As in Korea, the Chinese score important successes in the initial phase, and U.S.-South Vietnamese forces suffer major reverses.

The United States considers alternative policies. Because of the prevailing political climate in the United States and the weight of man-power and material needed, the alternatives of fighting a localized conventional campaign against the Chinese in Vietnam or of a conventional invasion of China itself are rejected. United States conventional air power is judged (rightly or wrongly) insufficient wholly to interdict logistics into North Vietnam or to wipe out Chinese industry. Instead, the United States detonates a one-megaton weapon at 500,000 feet above Peking as a demonstration, together with limited nuclear attacks on selected military targets. Simultaneously the United States begins round-the-clock broadcasts and drops leaflets proclaiming that Chinese nuclear facilities and air defenses have been destroyed. "Your leaders have led you to disaster. Nothing stands between the Chinese people and annihilation but the self-restraint of the United States."

With such attacks, the United States is primarily disarming the enemy capac-

ity to harm the United States and targeting the morale of the Chinese people, in an attempt to unhinge Chinese society. It is felt that, subjected to these attacks, the Chinese people may bring irresistible pressure against the regime to compromise with the United States; or, alternatively, acting out of fear, destroy the regime; or, finally, destroy the regime not so much through purposeful revolution as simply by withdrawing support, Chinese society dissolving into anarchy. The assertion that nothing stands between the Chinese people and annihilation but U.S. self-restraint is intended to demonstrate the helplessness of the leaders and, thus, to destroy any charismatic authority of the Communist party—which is perhaps thereby shown to have lost whatever it has left of the "Mandate of Heaven."

The United States then announces the forthcoming destruction (within, say, 48 hours) of one of ten (named) cities, simultaneously announcing sanctuary areas. The announcement of ten likely cities is intended to augment the quality of terror and to drive large segments of the population into motion, disrupting or contributing to the disruption of the governmental structure and authority. The announcement of sanctuary areas is intended both as a humanitarian measure and as an important contribution to U.S. peace of mind in the aftermath.

In 48 hours the United States delivers a delayed-action warhead or bomb (set for 24 hours) in Mukden and simultaneously calls upon the Chinese people to overthrow the regime and save themselves. This attack is followed by similar attacks on three additional cities—Harbin, Changchow, and Canton.

The Effect on China

The above very truncated scenario still gives us a basis for further discussion. The United States at this point

would presumably be hoping, at the minimum, that riots would break out in various parts of China and that some military units would side with the rebels. If the process were to go sufficiently far, the central government's authority might collapse. Although there would be considerable bloodshed within China, the extent of the death and destruction caused by mob actions and scattered military actions would be far less than would have resulted from even a discriminating and controlled but large-scale nuclear attack. One can imagine that even if there were not a complete collapse of central Communist control, in many provincial capitals Communist authority would be overthrown; in others, local Communist authority might be maintained but the Peking authorities would be defied. This would correspond to a fairly standard pattern in Chinese history when the government has seemed to have lost the "Mandate of Heaven"—i.e., the charismatic authority necessary to legitimate government according to classical Chinese political philosophy. Once this happens, there has characteristically been an interregnum with territorial fragmentation and "warlordism" prevailing.

The United States at this point might have little or no desire for a formal peace settlement with the Chinese authorities since, at a minimum, Chinese logistic support in Vietnam would doubtless collapse. Probably the Chinese intervention force would disintegrate, or be withdrawn. In either case the Chinese would no longer be in a position to interfere seriously with the U.S. campaign in North Vietnam. One can then imagine the United States government announcing: "The Chinese people may choose to support any government they wish, but they must under no circumstances aggress or produce nuclear weapons be-

cause, if they do, the United States will act again."⁵

In this scenario, the civilian sanctuaries serve primarily to reinforce the declaration of U.S. self-restraint as a contrast to the intransigence of the Chinese authorities, and to set the Chinese population in movement so as to strain the fabric of Chinese society. They also make much more credible U.S. threats to continue the destruction of Chinese cities.

We have, of course, left out of our consideration the reactions of the Soviet Union, other political organizations (like SEATO) that might be against our policy, and some of the possible adverse reactions of the Chinese themselves. Any or all of these might change the above scenario enormously. We have also been rather optimistic about the actual effects of the U.S. policy. We are not therefore arguing either for invasion of North Vietnam or the early use in a U.S.-Chinese war of nuclear weapons by the United States. We are trying to illustrate how U.S. sanctuary announcements and sanctuary policy might fit in a U.S.-Chinese nuclear war.

CONCLUSION

We would argue that the various scenarios illustrate very real possibilities for the utility of various kinds of explicit civilian sanctuary policies. Presumably, the best case for use is the one in which the nation or nations whose population is at risk is largely regarded as wholly innocent ("the captive peoples") or not wholly responsible for its actions (the Chinese masses). Clearly, the humanitarian arguments for re-

5. While the prohibition against producing nuclear weapons would be a popular one, it might also be taken in many places as a continuing aggression against China and it might therefore not be politically wise.

straint are then overwhelming, and strongly reinforced by political and credibility arguments as well. A sanctuary policy would also be an important factor facilitating postwar reconciliation and continued U.S. self-respect, once hostilities had terminated.

A second important case in which U.S. sanctuary policies might prove important overlaps with the above. This would occur in a period of prewar crisis, or in a period of conventional or tactical nuclear prelude to larger nuclear war, in which the United States might wish to increase the credibility of its threat and to ease the use of nuclear weapons if

such use was perceived to be necessary. A sanctuary declaration (and this, of course, is one reason why the tactic is so controversial) makes more probable and more believable the controllability of the subsequent war. It thereby makes nuclear war more "thinkable" and therefore more usable. In this last circumstance, the declaration of civilian sanctuary is as much a military threat as a humanitarian measure—a refinement of the process of escalation and bargaining that presumably could precede a wide range of plausible future nuclear wars, and which could strongly affect the termination and aftermath as well.